

10/518,294  
Rec'd PCT/PTO

01 AUG 2005

JC04 Rec'd PCT/PTO - 1 AUG 2005

PATENT

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Bernard Cote, et al.	
Serial No.:	10/518,294	Case: MC040P
Filed:	December 16, 2004	
For:	DI-ARYL-SUBSTITUTED-ETHAN PYRIDONE PDE4 INHIBITORS	

Commissioner for Patents  
Alexandria, VA 22313  
Mail Stop: Missing Parts

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS**

Sir:

This Communication is in response to the Notice to File Missing Requirements dated July 18, 2005, setting forth a period for reply ending September 18, 2005. A copy of this Notice is enclosed. Submitted herewith is a Declaration executed by all inventors.

The Commissioner is hereby authorized to charge the late declaration surcharge of \$130 pursuant to 37 CFR 1.16(e) to Merck Deposit Account No. 13-2755 as well as any other fees that are required in connection with this Response. If there are any questions with respect to this communication, please contact the undersigned.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Curtis C. Panzer Date July 28, 2005

08/09/2005 ATRAN1 00000003 132755 10518294

01 FC:1617 130.00 DA

Date: July 28, 2005

By Curtis C. Panzer  
Curtis C. Panzer  
Reg. No. 33,752  
Attorney for Applicants  
MERCK & CO., Inc.  
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10/518,294

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
SUBSTITUTE for PTO/SB/17(10-03)"FEE TRANSMITTAL for FY 2004"

## FEE TRANSMITTAL

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$130

Complete if Known

Application Number	10/518,294
Filing Date	December 16, 2004
First Named Inventor	Bernard Cote, et al.
Examiner Name	
Group Art Unit	
Attorney Docket Number	MC040P

## METHOD OF PAYMENT

☒ Deposit AccountDeposit Account  
Number

13-2755

Deposit Account  
Name

Merck &amp; Co., Inc.

The Director is authorized to:

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	790	Utility filing fee	
1002	350	Design filing fee	
1004	790	Reissue filing fee	
1005	160	Provisional filing fee	
SUBTOTAL(1)			\$0

## 2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims	18 ** =	0 x \$18 =	0
Independent Claims	1 ** =	0 x \$88 =	0
Multiple Dependent Claims		\$300 =	

\*\*or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	88	Independent claims in excess of 3
1203	300	Multiple dependent claim, if not paid
1204	88	**Reissue independent claims over original patent
1205	18	**Reissue claims in excess of 20 and over original patent

SUBTOTAL(2) \$0

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	130
1053	130	Non-English specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1251	110	Extension for reply within first month	
1252	430	Extension for reply within second month	
1253	980	Extension for reply within third month	
1254	1,530	Extension for reply within fourth month	
1255	2,080	Extension for reply within fifth month	
1401	340	Notice of Appeal	
1402	340	Filing a brief in support of an appeal	
1403	300	Request for oral hearing	
1452	110	Petition to revive - unavoidable	
1453	1,370	Petition to revive - unintentional	
1501	1,370	Utility issue fee (or reissue)	
1502	490	Design issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	Request for Continued Examination (RCE)	
Other fee (specify) _____			
Other fee (specify) _____			
SUBTOTAL(3)			\$130

## SUBMITTED BY

## Complete (if applicable)

Typed or Printed  
Name

Curtis C. Panzer

Reg. Number

33,752

Signature

Curtis C. Panzer

Date

07/27/2005

Deposit  
Account  
User ID

IN DUPLICATE

Computer generated form "Miscellaneous Fee Sheet" (FEES Folder), Merck &amp; Co., Inc. 09/28/2004

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MC040P



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/518,294	Bernard Cote	MC040P

INTERNATIONAL APPLICATION NO.
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PCT/CA03/00995

LA. FILING DATE	PRIORITY DATE
07/02/2003	07/02/2002

000210  
MERCK AND CO., INC  
P O BOX 2000  
RAHWAY, NJ 07065-0907

DOCKETED

JUL 21 2005

CHRISTINE A. CUFFE

CONFIRMATION NO. 8249

371 FORMALITIES LETTER



\*OC000000016530931\*

Oath or Dec  
Due By  
9-18-05

Date Mailed: 07/18/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/16/2004
- Copy of the International Search Report filed on 12/16/2004
- Copy of IPE Report filed on 12/16/2004
- Preliminary Amendments filed on 12/16/2004
- Information Disclosure Statements filed on 12/16/2004
- U.S. Basic National Fees filed on 12/16/2004
- Priority Documents filed on 12/16/2004
- Specification filed on 12/16/2004
- Claims filed on 12/16/2004
- Abstracts filed on 12/16/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**Folder Pulled**  
Dmd/7-23-05

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/518,294	PCT/CA03/00995	MC040P

FORM PCT/DO/EO/905 (371 Formalities Notice)